



Express Mail No. EV 533 736 026 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Liaw *et al.* Confirmation No.: 2900
Serial No.: 09/839,768 Art Unit: 2112
Filed: April 19, 2001 Examiner: Myers, Paul R.
For: *High-Frequency Bus System* Attorney Docket No.: 060809-0080-US

**PETITION FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED
CLAIM FOR PRIORITY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

*File
Copy*

Sirs:

Applicants petition the Commissioner to correct the domestic priority information on record for the above-identified U.S. patent application. The captioned application is a continuation application of U.S. Application No. 09/507,303, filed 02/18/2000, now U.S. Patent No. 6,266,730, which is a continuation application of U.S. patent application no. 08/938,084, filed 09/26/97, now U.S. Patent No. 6,067,594. Accordingly, pursuant to the Response to Final Office Action submitted concurrently herewith, please replace the first paragraph of the specification, namely "This is a continuation of application no. 09/507,303, filed February 18, 2000" with the following paragraph: "This Application is a continuation of U.S. Application No. 09/507,303, filed 02/18/2000, now U.S. Patent No. 6,266,730, which is a continuation of U.S. patent application no. 08/938,084, filed 09/26/97, now U.S. Patent No. 6,067,594". Such domestic priority information was unintentionally delayed, as outlined below.

BACKGROUND

At the time of filing the captioned application (April 19, 2001), Applicants requested the Commissioner amend the specification by inserting the following priority information before the first paragraph of the specification: "[t]his is a continuation of application no. 09/507,303, filed February 18, 2000". This instruction is found on the "Patent Application Fee Value" sheet, as filed April 19, 2001. Further, an executed Declaration for Patent Application, listing the priority information of both parent cases 09/507,303, filed February 04/07/2005 AXELLEY 9000007 500310 09839768

01 FC:1454 1370.00 DA
02 FC:1462 400.00 DA

1-PA/3529015.1

surcharge under 37 CFR 1.17(t) to correct the benefit claim. This is because the application will not have been scheduled for publication on the basis of the information concerning the benefit claim contained elsewhere in the application. (Emphasis added).

It is respectfully submitted that the present error of the claim to priority is unlike that outlined by the MPEP above. For example, the above section of the MPEP states that the Applicant must Petition the Office and pay the requisite fee, if the Office failed to recognize the claim to priority on the Filing Receipt. However, Applicants noticed the error on the Filing Receipt and requested its correction so as to include both priority claims.

Unfortunately, the Office failed to (i) make the correction to the Filing Receipt, and (ii) instruct the Applicant to amend the first sentence of the application to include the reference to the earlier application, as is typically the case. For these reasons alone, it is respectfully requested that the Office waive the fee for this Petition.

Furthermore, as the present application correctly claims priority as a continuation application of U.S. Application No. 09/507,303, and that U.S. Application No. 09/507,303 is a continuation application of U.S. Patent No. 6,266,730, it is respectfully submitted that it should be clear from the Office's records that the present application will automatically claim priority back to the initial patent application, from which both applications are continuation applications, namely U.S. Patent Application No. 09/507,303.

If, however, the Office is unwilling to waive the fee, the Commissioner is nevertheless authorized to charge the \$1,370.00 fee, set forth in 37 CFR 1.17(T) to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 060809-0080-US). However, as stated above, Applicants believe that since domestic priority information was provided in the Application transmittal, Declaration for Patent Application, and Communication to the Office to correct the filing, no fees should be due.

Respectfully submitted,



45,645

Date: January 12, 2005

(Reg. No.)

Dion M. Bregman
MORGAN, LEWIS & BOCKIUS LLP
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306
(650) 843-4000